

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INNOVATIVE METAL CRAFT,)
LLC,)
)
Plaintiff,) **Case No. 1:17-cv-138**
v.)
)
JON WHALEY and THE BARNDOR)
HARDWARE STORE, LLC,)
)
Defendants.)

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ORDER OF JUDGMENT

NOW, this 29th day of April, 2020, for the reasons set forth in the accompanying Memorandum Opinion,

IT IS ORDERED that Defendants' motion for partial summary judgment, ECF No. [88], shall be, and hereby is GRANTED as to Count I of the Complaint. Accordingly, pursuant to Rule 58 of the Federal Rules of Civil Procedure, JUDGMENT is hereby entered in favor of Defendants Jon Whaley and The Barndoar Hardware Store, LLC, and against Plaintiff Innovative Metal Craft, LLC, with respect to Count I of the Complaint. Defendants' alternative requests for relief are hereby DISMISSED as moot.

IT IS FURTHER ORDERED that all pending state law claims shall be, and hereby are, DISMISSED without prejudice to the parties' respective rights to litigate said claims in state court.

IT IS FURTHER ORDERED that Plaintiff's cross-motion for partial summary judgment as to Count V of the Complaint, ECF No. [85], shall be, and hereby is, DISMISSED without prejudice.

There being no other matters pending before the Court in the above-captioned case, the Clerk is directed to mark this Civil Action "Closed."

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Susan Paradise Baxter
United States District Judge